

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NATHAN MARQUIS LEBARON,
Plaintiff,

vs.

MICHAEL R. SCHMITT and DEBRA
BOND,
Defendants.

NO. CV-08-006-LRS

ORDER REGARDING NOTICES OF APPEAL
AND MOTIONS FOR RECONSIDERATION

By Order filed July 10, 2008, this action was dismissed and Plaintiff's request to proceed *in forma pauperis* was denied. Judgment was also entered. On July 16, 2008, the court simultaneously received a Notice of Appeal and a Motion for Court to Reopen Case . . . (Ct. Recs. 20 and 19) from Mr. LeBaron. On July 21, 2008, Plaintiff submitted a second Notice of Appeal simultaneously with a Motion to Reconsider and Amend (Ct. Recs. 23 and 22).

This court considers the simultaneously filed Notices of Appeal to have divested it of jurisdiction to consider Plaintiff's Motions. See *United States v. Christy*, 3 F.3d 765, 767-68 (4th Cir. 1993). See also *Salvatto v. County of Solano*, 2007 WL 1515017 (E.D. Cal. 2007)(unpublished opinion). As Plaintiff's Motions for Reconsideration (Ct. Rec. 19 and 22) were not "pending" at the time

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1 the notices of appeal were filed, this court believes it does not have
2 jurisdiction to consider the motions and will consider them only if
3 instructed to do so by the Ninth Circuit Court of Appeals. This court
4 further finds Mr. LeBaron's appeal is not taken in good faith. 28
5 U.S.C. Section 1915(a)(3).

6 The District Court Executive is directed to enter this Order and
7 forward a copy to Plaintiff and close the file.

8 **DATED** this 24th day of July, 2008.

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10 ***s/Lonny R. Suko***

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LONNY R. SUKO
12 UNITED STATES DISTRICT JUDGE
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